

**ZONING MAP CHANGE REPORT**

**Meeting Date: June 6, 2011**

Table A. Summary			
Application Summary			
Case Number	Z1100003	Jurisdiction	City
Applicant	Leslie M. Smith	Submittal Date	January 10, 2011
Reference Name	Crowne Pointe	Site Acreage	7.29 acres
Location	6200 and 6300 Barbee Road, west side of Barbee Road, north of Interstate-40 and south of Windcrest Road		
PIN(s)	0728-01-46-3740, -3363		
Request			
Proposed Zoning	Residential Suburban - Multifamily with a development plan (RS-M(D))		Proposal Multiplex/apartments
Site Characteristics			
Development Tier	Suburban		
Land Use Designation	Low-Medium Density Residential (4-8 DU/Ac.)		
Existing Zoning	Residential Suburban – 20 (RS-20)		
Existing Use	Vacant		
Overlays	F/J-B, MTC	Drainage Basin	Lake Jordan
River Basin	Cape Fear	Stream Basin	Northeast Creek, Crooked Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinance.		
Planning Commission	Denial 10 – 1 on May 10, 2011. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. However, the Commission believes the request is not reasonable nor in the public interest and recommends denial based on problems of traffic congestion and inadequate transportation infrastructure, inconsistency with neighboring land uses, and opposition from the community, despite additional committed elements proffered by the applicant.		
DOST	None provided		
BPAC	See Attachment 8, Bicycle and Pedestrian Advisory Commission Memo		

## A. Summary

This is a request to change the zoning designation of 7.29 acres of land from RS-20 to RS-M(D). The subject property is located at 6200 and 6300 Barbee Road, on the west side of Barbee Road north of Interstate-40 and south of Windcrest Road (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this parcel as Low-Medium Density Residential (4 – 8 DU/Ac.). Appendix A provides supporting information.

## B. Site History

A Zoning Map Change (Case Z06-42) was submitted in 2006 for the Planned Development Residential 6.310 (PDR – 6.310) zoning district for 43 townhouse units. Discussion at the Planning Commission centered around the potential traffic impact, opposition from the community, and inconsistency with the neighboring land uses, with a continuance for one cycle to allow the applicant to meet with neighbors. A protest petition was filed prior to Planning Commission's vote and the case was withdrawn by the applicant on November 22, 2006.

## C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

## D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the RS-M district (Sec. 3.5.6.D and Sec. 6.3.1.A. In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

**Graphic Commitments.** Elements depicted on a development plan (including but not limited to labels and descriptive information) become commitments. A summary of graphic commitments (see Table D5, Summary of Development Plan) includes: the general location of a stormwater device, useable open space, and vehicular use area as shown on sheet C-2.0 of the development plan (Attachment 4).

**Text Commitments.** Text commitments have been proffered to commit to requirements in excess of ordinance standards. A summary of these commitments (see Table D5,

Summary of Development Plan) includes: dedication of right-of-way along the frontage of the site, construction of a northbound turn lane on Barbee Road at the site access, and a number of site amenities.

**Design Commitments.** Multi-family structures require design commitments accompanying a zoning map change when a development plan is included. As such, design commitments are required to be made for this site. The design commitments of this development limit the structures to two-story as a transition from the residential structures to the west and the three-story structures to the east. In addition, commitments regarding roofline, materials, and stairway locations have been specified. See Table D5, Development Plan Summary, for these commitments.

**Determination.** The requested RS-M zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Attachment 4) shall establish the level of development allowed on the property.

## E. Adopted Plans

All zoning map change request shall be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

**Determination.** The requested zoning district and associated development plan are consistent with Future Land Use Map as well as other applicable policies of the *Durham Comprehensive Plan*.

## F. Site Conditions and Context

**Site Conditions.** This site is presently vacant and mostly comprised of a new growth pine forest. There are some areas of mature pine and/or hardwoods along the western boundary and at the southern end of the site (see Attachment 3, Aerial Photography). There is about 26 feet of elevation change (northwest to southeast) on the property.

**Area Characteristics.** This site is in the Suburban Tier and in an area developed with a variety of residential uses. There is a single-family residential subdivision immediately to the west and along the western side of Barbee Chapel Road. There is multi-family residential development in the 1529 Magnolia (also known as Exchange Place) apartment complex and Auburn Village townhouses along the eastern side of Barbee Chapel Road in this vicinity.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

**Determination.** The proposed RS-M district meets the ordinance and policy requirements in relation to site and context and therefore is a reasonable request given the surrounding uses. Given the size and shape of the lot, developed surrounding uses, and proximity to

Interstate-40 it seems unlikely for this site to develop as single-family residential, which is permitted by the present zoning designation. The single-family lots to the north were platted in 1963 when the surrounding area was much less intensely developed. Additionally, Barbee Road is a minor thoroughfare, which is generally an appropriate location for more intense development.

## G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

**Determination.** The proposed RS-M district is consistent with UDO and *Comprehensive Plan* policies regarding infrastructure impacts.

## H. Staff Analysis

Staff has determined that this request is consistent with the *Comprehensive Plan* and other adopted policies and ordinances. The request for RS-M is reasonable given the surrounding uses.

## I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Patty E. Hilburn, PLS Pabst & Hilburn, PA	Ph: 919-848-4399	philburn@pabsthilburn.com

## J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Northeast Creek StreamWatch,
- Partners Against Crime – District 4

- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

**K. Summary of Planning Commission Meeting May 10, 2011  
(Case Z1100003)**

**Zoning Map Change Request:** RS-20 to RS-M(D)

**Staff Report:** Ms. Wolff presented the staff report.

**Public Hearing:** Chair Brown opened the public hearing. Two people spoke in favor and four people spoke in opposition. Chair Brown closed the Public Hearing.

**Commission Discussion:** Commission discussion centered around low-income housing, notification, neighboring land uses, traffic, and site amenities.

**Motion:** Recuse Mr. Martin (Mr. Brine, Mr. Monds 2<sup>nd</sup>)

**Action:** Motion carried, 11-0.

**Motion:** Recommend Approval of the zoning map change (Mr. Davis, Mr. Monds 2<sup>nd</sup>).

**Action:** Motion failed, 1-10 (Ms. Winders voting in favor).

**Findings:** The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. However, the Commission believes the request is not reasonable nor in the public interest and recommends denial based on problems of traffic congestion and inadequate transportation infrastructure, inconsistency with neighboring land uses, and opposition from the community, despite additional committed elements proffered by the applicant.

## L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: <ol style="list-style-type: none"> <li>1. Context Map</li> <li>2. Future Land Use Map</li> <li>3. Aerial Photography</li> <li>4. Development Plan Reduction</li> <li>5. Application</li> <li>6. Owner's Acknowledgement</li> <li>7. Submittal and Review History</li> <li>8. Bicycle and Pedestrian Advisory Commission Memo</li> </ol>
Appendix B	Site History	n/a
Appendix C	Review Requirements	n/a
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	n/a
Appendix I	Contacts	n/a
Appendix J	Notification	n/a
Appendix K	Summary of Planning Commission Meeting	Attachments: <ol style="list-style-type: none"> <li>9. Ordinance Form</li> <li>10. Planning Commissioner's Written Comments</li> </ol>

## Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Application
6. Owner's Acknowledgement
7. Submittal and Review History
8. Bicycle and Pedestrian Advisory Commission Memo

## Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
<b>RS-M</b>	<b>Residential Suburban – Multi-family:</b> the RS-M district is established to provide for suburban residential development and redevelopment with a minimum lot size of 5,000 square feet and a maximum of 10.5 dwelling units per acre. A variety of single- and multi-family housing types are permitted including duplexes, townhomes, and apartments. While RS-M is a residential district, certain nonresidential uses such as day care facilities and places of worship may be sought through a special use permit or other limited provisions of the ordinance.
<b>F/J-B</b>	<b>Falls/Jordan District B Watershed Protection Overlay:</b> The purpose this overlay district is to preserve the quality of the region's drinking water supplies through application of the development standards intended to protect the environment. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to: <ul style="list-style-type: none"><li>• Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and</li><li>• Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.</li></ul>
<b>MTC</b>	<b>Major Transportation Corridor Overlay:</b> The Major Transportation Corridor Overlay (MTC) is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors. The MTC district requires buffers next to major transportation corridors and limits the height of signs.

Table D2. District Requirements – RS-M			
	Code Provision	Required	Proposed
Maximum Residential Density (DU/Ac.)	6.3.1.A	10.5	8
Minimum Open Space (percentage)	6.3.1.A	18 6 (useable)	25 (1.82) 6.7 (0.49 acres) (useable)
Minimum Site Width (feet)	6.3.1.A	200	370
Maximum Height (feet)	6.3.1.A	35	35

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Proposed
Tree Coverage	8.3.1C	24% (1.71 acres)	25.5% (1.82)
Impervious Surface	8.7.2B	70% maximum	70% (4.39 acres)

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	RS-20	0.4/0.6	0.6 (30 feet)
East	PDR 5.940	n/a (right-of-way > than 60 feet)	n/a
South	RS-20	0.4/0.6	0.6 (30 feet)
West	RS-20	0.4/0.6	0.6 (30 feet)



Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	<b>Intensity/Density.</b> 8 DU/Ac. = 58 units	C-0.0/C-2.0
	<b>Building/Parking Envelope</b> is appropriately identified.	C-2.0
	<b>Project Boundary Buffers.</b> Appropriately identified.	C-2.0
	<b>Stream Crossing.</b> No protected streams identified on site.	n/a
	<b>Access Points.</b> There will be one site access from Barbee Road as shown.	C-2.0
	<b>Dedications and Reservations.</b> 10 feet right-of-way	C-0.0C-2.0
	<b>Impervious Area.</b> 70% = 4.39 acres	C-0.0/C-2.0
	<b>Environmental Features.</b> There are no policy or UDO-protected environmental features identified.	C-2.0
	<b>Areas for Preservation.</b> There were no conditions identified that require preservation.	C-2.0
	<b>Tree Coverage.</b> 25.5% = 1.82 acres	C-2.0
Graphic Commitments	Stormwater device location in the southeast portion of the site as shown.	C-2.0
	General location of useable open space in the center of the site.	C-2.0
	Vehicular use area as shown.	C-2.0

<p><b>Text Commitments</b> <i>(italicized text indicates proffers as a result of Planning Commission)</i></p>	<ol style="list-style-type: none"> <li>1. Prior to the issuance of any building permit, dedicate an additional 10 feet of right-of-way for the Barbee Road site frontage as illustrated on sheet C-2.0.</li> <li>2. Prior to the issuance of any certificate of occupancy, construct a northbound left-turn lane with adequate storage and appropriate tapers on Barbee Road at the proposed site access.</li> <li>3. <i>The following commitments shall be provided prior to the issuance of any certificate of occupancy:</i> <ol style="list-style-type: none"> <li>a. <i>Fencing in locations where fence does not exist along the north, west, and south perimeter of the site. Fence provided will be of similar material and height to the adjacent existing fence.</i></li> <li>b. <i>A playground and a tot-lot, adjacent to each other and accessible by walkways in the useable open space area.</i></li> <li>c. <i>A gazebo in the useable open space area.</i></li> <li>d. <i>Two picnic tables with one grill in the useable open space area.</i></li> <li>e. <i>A community building that includes:</i> <ol style="list-style-type: none"> <li>i. <i>computer center with two computers</i></li> <li>ii. <i>multi-purpose room with a kitchen</i></li> <li>iii. <i>coin-operated washers and dryers</i></li> <li>iv. <i>management office</i></li> </ol> </li> <li>f. <i>Signage indicating distance posted along the walkway of the development.</i></li> </ol> </li> </ol>	<p>C-0.0</p>
<p><b>SIA Commitments</b></p>	<p>Stormwater commitments have not been proffered as a result of the Stormwater Impact Analysis checklist.</p>	<p>n/a</p>
<p><b>TIA Commitments</b></p>	<p>A Traffic Impact Analysis was not required of this application.</p>	<p>n/a</p>
<p><b>Design Commitments (summary)</b></p>	<ul style="list-style-type: none"> <li>• <b>Architecture</b> inspired by Eclectic Colonial Revival.</li> <li>• <b>Roofline.</b> Low to medium pitch with wide overhang and a continuous frieze line. Overall roof mass to be broken into segments.</li> <li>• 1<sup>st</sup> floor = masonry veneer</li> <li>• 2<sup>nd</sup> floor = brick veneer, horizontal siding and painted cementitious panel and trim</li> <li>• Fiberglass roof shingles</li> <li>• Buildings will have at least one porch at front or side. Bay windows will use brackets below</li> </ul>	<p>C-0.0</p>

	<p>and metal roof above.</p> <ul style="list-style-type: none"> <li>• Stairways will be set back from the facade and located in an alcove with walls on three sides, and use a porch rail on the 2<sup>nd</sup> floor level.</li> <li>• <b>Context.</b> Transition from single family to the west and multifamily to the east and accomplished through two-story building height and brick veneer along the first floor.</li> </ul>	
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## Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
<b>Future Land Use Map</b>	Low-Medium Density Residential (4 – 8 DU/Ac.)
<b>2.2.2b</b>	Demand for Residential Land
<b>8.1.2m</b>	Transportation Level of Service
<b>9.4.1a, c</b>	Water Quantity and Quality Level of Service
<b>11.1.1a</b>	School Level of Service

## Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
<b>North</b>	Single-family residential	RS-20	F/J-B; MTC
<b>East</b>	Multi-family residential	PDR 5.940	F/J-B; MTC
<b>South</b>	Single-family residential, vacant	RS-20	F/J-B; MTC
<b>West</b>	Single-family residential	RS-20	F/J-B;MTC

## Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
Barbee Road is the major road impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.	
Affected Segments	Barbee Road
Current Roadway Capacity (LOS D) (AADT)	11,700
Latest Traffic Volume (AADT)	8,800
Traffic Generated by Present Designation (average 24 hour)*	124
Traffic Generated by Proposed Designation (average 24 hour)**	475
Impact of Proposed Designation	+351

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2002)

Barbee Road: 2-lane undivided major city/county roadway without left-turn lanes

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

\*Assumption- (Max Use of Existing Zoning) –RS-20: 13 single-family units

\*\* Assumption- (Max Use of Proposed Zoning) – RS-M (D): 58 apartments

Table G2. Transit Impacts
Transit service is not currently provided within ¼ mile of the site.

Table G3. Utility Impacts
This site is served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review.

<b>Table G5. School Impacts</b>			
The proposed zoning is estimated to generate 12 students. This represents an increase of eight students over the existing zoning. Durham Public Schools serving the site are Creekside Elementary School, Githens Middle School, and Hillside High School.			
<b>Students</b>	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>Current Building Capacity</b>	15,972	8,523	9,971
<b>Maximum Building Capacity (110% of Building Capacity)</b>	17,569	9,375	10,968
<b>20<sup>th</sup> Day Attendance (2009-10 School Year)</b>	16,027	6,723	9,639
<b>Committed to Date (April 2008 – March 2011)</b>	409	133	85
<b>Available Capacity</b>	1,022	2,656	1,222
<b>Potential Students Generated – Current Zoning*</b>	2	1	1
<b>Potential Students Generated – Proposed Zoning**</b>	7	3	2
<b>Impact of Proposed Zoning</b>	+5	+2	+1

\*Assumption- (Max Use of Existing Zoning) –RS-20: 13 single-family units

\*\* Assumption- (Max Use of Proposed Zoning) – RS-M (D): 58 apartments

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 6,670 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 4,655 GPD increase over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	20.19 MGD
Approved Zoning Map Changes (April 2008 –March 2011)	1.45 MGD
Available Capacity	15.36 MGD
Estimated Water Demand Under Present Zoning*	2,015 GPD
Potential Water Demand Under Proposed Zoning**	6,670 GPD
Potential Impact of Zoning Map Change	+4,655

Notes: MGD = Million gallons per day

\*Assumption- (Max Use of Existing Zoning) –RS-20: 13 single-family units

\*\* Assumption- (Max Use of Proposed Zoning) – RS-M (D): 58 apartments

## Appendix K: Summary of Planning Commission Meeting Supporting Information

### Attachments

9. Ordinance Form
10. Planning Commissioner's Written Comments